

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HIU NGAI MA,

Plaintiff,

- against -

SONG WANG and  
JIAN XIAO,

Defendants.

**ORDER**

21 Civ. 6182 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

Plaintiff Hiu Ngai Ma asserts that Defendants Song Wang and Jian Xiao have breached an agreement to transfer 5.1 million shares of Takung Art Co., Ltd. in exchange for RMB 140 million by defaulting on certain payments owed to Plaintiff under that agreement. (Pet. (Dkt. No. 1) at 6) Plaintiff has initiated arbitration proceedings before the Beijing Arbitration Commission against Defendants, both of whom appear to reside in China. (Id. at 7, 17) She has filed a petition in this Court for a temporary restraining order in aid of arbitration, an order to show cause why a preliminary injunction should not issue, and an order authorizing alternative service of the temporary restraining order and order to show cause. Plaintiff seeks to enjoin Defendants from transferring, selling, pledging, granting options on, or otherwise transacting with or disposing of certain shares of stock that is the subject of the arbitration, and to enjoin a third party transfer agent from removing the restrictions in place to prevent the transfer of the shares of stock. (Id. at 7)

Before this Court can grant the relief Plaintiff seeks, Plaintiff must demonstrate that this Court has in personam jurisdiction over the Defendants. See Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 111-12 (1969) (district court must have personal

jurisdiction over a defendant before it can enjoin its actions pursuant to Fed. R. Civ. P. 65); Visual Scis., Inc. v. Integrated Commc'ns Inc., 660 F.2d 56, 59 (2d Cir. 1981) (“A court must have in personam jurisdiction over a party before it can validly enter even an interlocutory injunction against him.”). Here, Plaintiff has not pled any facts to show that this Court has jurisdiction over the Defendants. Accordingly, in the event that Plaintiff wishes to pursue injunctive relief against Defendants, she will submit supplemental evidence and briefing that provides a basis for this Court to exercise personal jurisdiction over the Defendants. Any such submission will be made by July 23, 2021 at 5:00 p.m.

Dated: New York, New York  
July 21, 2021

SO ORDERED.

A handwritten signature in cursive script, reading "Paul G. Gardephe", written in black ink.

---

Paul G. Gardephe  
United States District Judge